

LEGISLATION

**Title IX
School Coordinators
SY 2024**



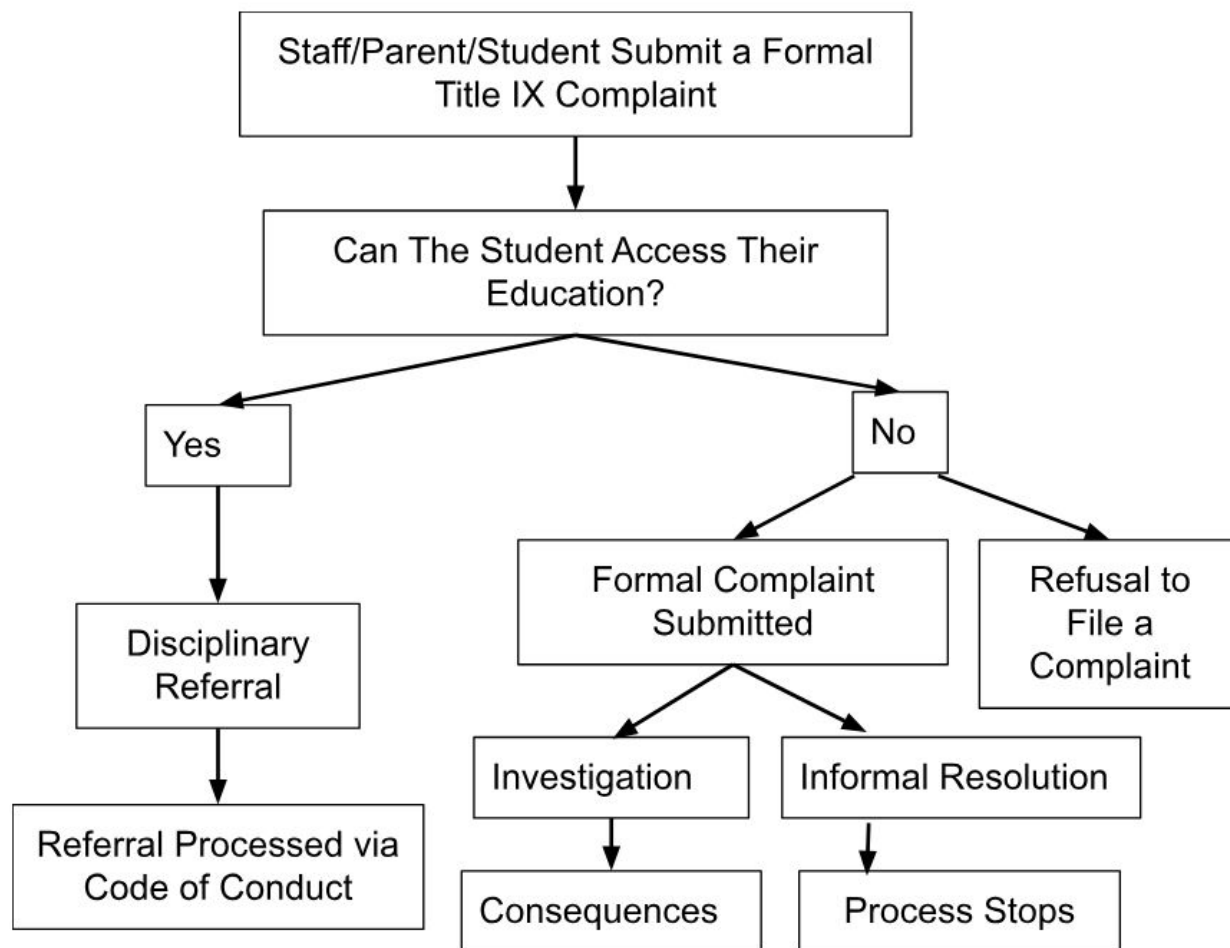
Title IX

- ...no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination...”
- Title IX is engaged when a student believes they have been denied access to their education because of sexual discrimination.
- Title IX is about restoring access to one’s education.

New Starting SY24

Title IX Brochure Revision

“A school administrator will initiate a full investigation within two work days after receiving a formal complaint. The person alleging discrimination and the alleged perpetrator will receive a response regarding the outcome of a completed investigation. Both parties may file an appeal of an investigative outcome to the Title IX District Coordinator, if desired.”



Formal Complaint Form

- Information may come from multiple sources but a formal complaint begins with the receipt of the **Title IX Formal Complaint [form](#)**.

Steps For Entering A Complaint In Cognito

1. School Coordinator completes and submits initial information on the Cognito form
2. The Principal will receive an email and will assign an investigator
3. When the investigation is complete and appropriate actions have been taken, an administrator will reopen and complete the cognito form uploading all supporting documents.

Quick Reference for Administrators

Safety and Security & Student Services

Cognito Forms - Must be completed

- [Emergency Reporting Form - Cognito](#) (includes a request for extended suspension)
- [Suspected Child Abuse Reporting Form - PS 600](#)
- [Use of Physical Restraint PS516](#)
- [Risk Assessment Form PS508A](#)
- [Risk Assessment Form PS508B -Follow up to High Risk Assessment](#)
- [PS512 Parent Letter for High Risk Assessment](#)
- Threat Assessment
 - [Threat Assessment Manual](#) -Step by Step Guide starts on Page 16 (forms are embedded)
 - [Threat Decision Tree & Step by Step Guide](#)
- [Bullying, Harassment, & Intimidation Reporting Form](#)
- [Bullying , Harassment, & Intimidation Investigations Form \(Admin Only\)](#)
- [Title IX Complaint & Supporting Documents](#)
- [Gang Related Incident Reporting Form](#)

Cognito Entry Process

- Title IX Complaint & Supporting Documents

Cogito - Initial Entry Sample

Title IX Complaint - Initial Entry

Final Submission Sample

Cognito Form - Admin's Portion

Student Support Plans

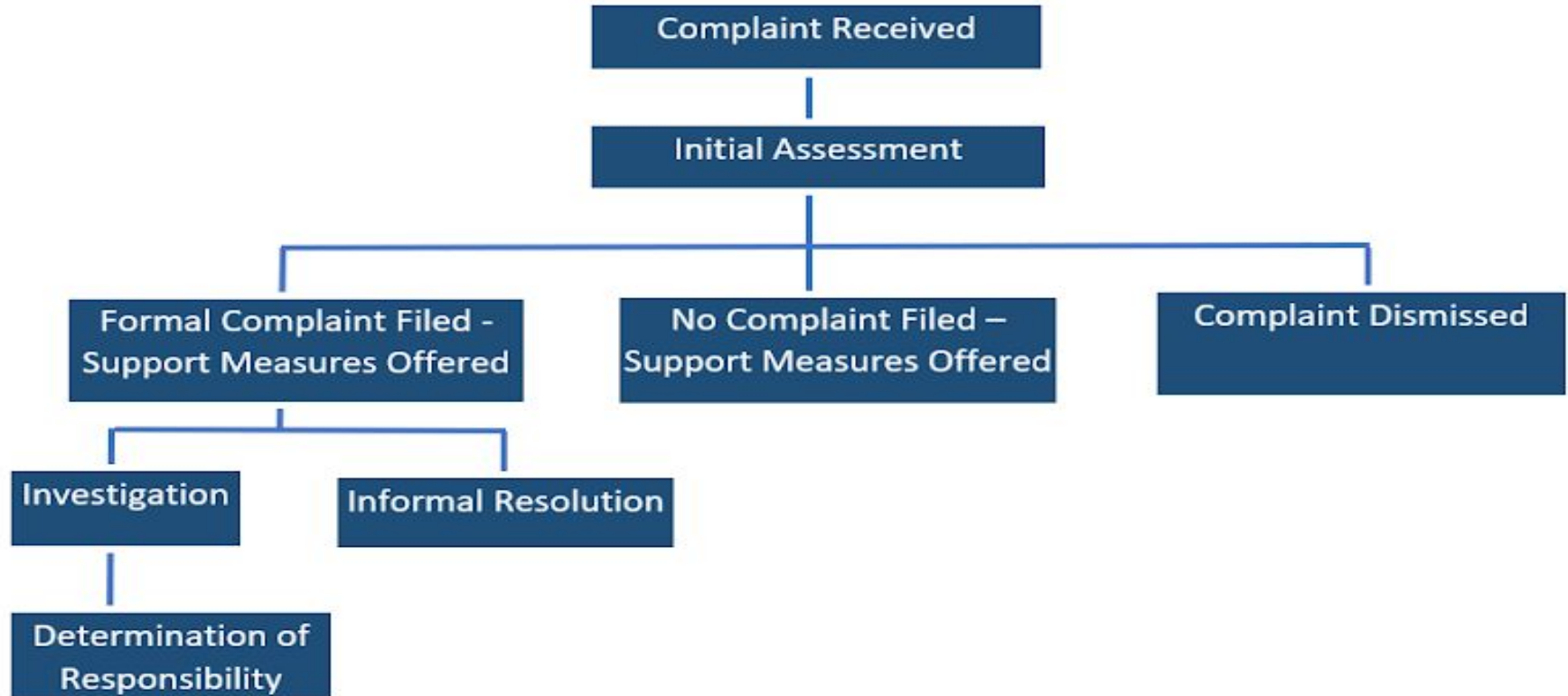
- Student Support Plan Process
- Support Plan
- SSP's are to be reviewed annually
- Accommodations offered should be agreed upon by both school admin and parents

Summary of What's New In SY24

- [Decision Making Flowchart](#)
- [Formal Complaint Form](#)
- [Revised Title IX Brochure](#)
- [Cognito Title IX Complaint Entry](#)

Core Content

Grievance Process



Definitions of Terms

Definition of Sexual Harassment

- Quid pro quo - harassment by a school staff member
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity
- Sexual assault, dating violence or stalking

Common Terms

Complainant: Alleged victim of the conduct

Respondent: Alleged perpetrator of the conduct

Advisor: An adult of a party's choosing (may be an attorney)

Formal Complaint: Formal Complaint form alleging sexual harassment filed by a student, parent/legal guardian, school staff or in some cases the School Title IX Coordinator

School Title IX Coordinator Role

- Coordinates a school's efforts to implement and comply with the law under Title IX
- Name, title, and contact information must be published on your school's webpage

Investigator Role:

- Gathers information on Title IX allegations

The Decision Maker Role

- Must weigh the investigative evidence and makes a determination of responsibility
- Provide parties a written Determination of Responsibility

Standard of Evidence

Preponderance of Evidence:

The Complainant's/Respondent's proposition is more likely to be true than not true.



Supportive Measures

- Non-disciplinary, measures meant to:
 - Restore
 - Protect
 - Deter
- Post the range of available supportive measures

Written Notice

Required Written Notices

- Complaint Received
- Rights
- Intent to Interview
- Preliminary Investigative Findings
- Investigative Report
- Determination of Responsibility
- Dismissal

Notification Timelines

- Supportive measures - offered immediately
- Interview - allow time for an advisor to be present
- Preliminary findings + 10 days to respond
- Investigative Report + 10 days to respond
- Written Determination of Responsibility + 30 days to submit an appeal

Written Notice: Complaint

- Rendered by the Title IX School Coordinator
- Must Inform Parties of:
 1. The allegations
 2. A presumption of innocence
 3. Entitlement to an advisor
 4. Right to review relevant evidence
 5. The prohibition of false statements. (JFDG)

Written Notice: Rights

- Rendered by the Title IX School Coordinator
- Provide both parties, guardians, and advisors the Title IX brochure

Written Notice: Intent to Interview

- Rendered by the Investigator
- Must provide sufficient time for parties to have an advisor present if they so choose

Written Notice: Preliminary Findings

- Rendered by the Investigator
- Informal written presentation of the facts
- Affords parties 10 days to review and submit additional information

Written Notice: Investigative Report

- Rendered by the Investigator
- Written report sent to both parties and the Decision Maker
- Affords 10 days for parties to submit written responses to the Decision Maker before final determination of responsibility

Written Notice: Determination of Responsibility

- Rendered by the Decision Maker
- Reviews the investigative process, findings, school policy, support measures offered, decision of responsibility and sanctions (if appropriate)
- Includes the appeal process

Written Notice: Notification of Dismissal

- Rendered by School Coordinator or Investigator
- Must send written notice of the dismissal and the reasons for dismissal to both parties
- Both parties have the right to appeal a school's dismissal decision

Formal Complaint

When A Complaint Is Received:

- Promptly contact the complainant and inform them of their right to supportive measures
- Explain that complainants have the option to:
 - [file a complaint](#)
 - [refuse to file](#) a complaint
- Explain the grievance process ([Title IX Brochure](#))
- Investigate every formal complaint

Informal Resolution

Informal Resolution

- May be attempted if each party enters the process voluntarily
- School must provide a facilitator who is free from conflicts of interest or bias, and who has received training (Title IX School Coordinator)

Informal Resolution Requirements

School still needs to provide complainants and respondents:

- Notice of the allegations
- Notice of their rights
- Signed voluntary agreement to pursue informal resolution
- Information about withdrawing from the informal resolution process

Formal Complaint Investigation

Investigative Requirements

- Provide equal opportunity for both parties to present witnesses and evidence
- Do not restrict the ability of either party to discuss allegations or gather evidence
- Provide the same opportunities to parties to have an advisor of choice present for any meeting

Investigative Requirements Continued

- Provide written notice of interviews or meetings with sufficient time for the party to prepare
- Provide equal opportunity for the parties and their advisors to review the evidence if the information is directly related to the allegations in the complaint
- Give parties a meaningful opportunity to respond to the evidence after it has been provided

Investigative Requirements Continued

- Provide a preliminary report of investigative findings
- Give parties at least 10 days to respond to the evidence in writing
- Finalize the report with consideration of party responses
- Provide finalized Investigative Report to both parties and the Decision Maker

Determining Responsibility

Written Determination Must Include:

- Identification of the allegations potentially constituting sexual harassment as defined in § 106.30
- A description of the procedural steps taken from the receipt of the complaint
- Findings of fact supporting the determination

Written Determination Must Include: (Cont'd)

- A statement of rationale for the determination of responsibility
- Disciplinary sanctions that may be imposed
- Statement on the provision of supportive measures to the complainant and how those supportive measures will restore or preserve equal access.
- Statement of the right to appeal and how to appeal

Appeals

When Can Appeals Occur?

- After a dismissal
- After a written Determination of Responsibility

Appeal Criteria

Must offer an appeal to both parties on the bases of:

- Procedural deficiencies
- Newly discovered evidence
- Bias or conflict of interest affected the outcome

Appeal Process

- Must notify parties in writing and implement appeal procedures equally
- Must afford parties equal opportunity to submit a written statement supporting or challenging the outcome

Appeal Process: (Cont'd)

- After considering party written statements, the Decision Maker of the appeal must issue a written decision to both parties simultaneously
- An additional level of appeal may be made to the Office of the Superintendent

Record Keeping

Record Retention

District Title IX Coordinator must retain all records pertaining to the grievance procedure for 7 years

Retaliation

Retaliation: Code of Conduct

- A school may not charge a person with a code of conduct violation for the purpose of discouraging the person from filing a sexual harassment complaint
- Issuing a code of conduct violation on discoveries made during the investigation that are unrelated to the allegation may be considered retaliation

Non-Retaliatory Conduct

- A school may discipline someone for making a bad-faith false statement during a Title IX grievance process in accordance with SMCPS policy JFDG
- A bad-faith statement cannot be based on the outcome of a case

Title IX Materials File

<https://drive.google.com/drive/folders/1HFm5IB2WoZgM7DAEoubocx5UZK6JGsmK?usp=sharing>

Questions?

New in SY24

- [Decision Making Flowchart](#)
- [Formal Complaint Form](#)
- [Revised Title IX Brochure](#)
- [Cognos Process for submitting Title IX Complaint Information](#)